

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5942 of 2025

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

Nawal Kumar Singh Son of Mahendra Prasad Singh R/O-Village- Hajipur,
PS- Sajour, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kumar Ranjan, R/O- Village- and Post and P.S,- Dev, Distt.- Aurangabad,
Mining Development Officer, Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandan Prasad, Advocate
For the State	:	Mr.Binod Kumar, A.P.P.
For the Mines	:	Mr.Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioner is apprehending his arrest in connection with Amarpur P.S. Case No. 535 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190 126(2), 115(2), 109(1), 132, 303(2), 317(2), 352 of BNS, Section 27 of the Arms Act, Sections 11/41/56(2) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transporation and Storage) Rules 2019 and Sections 4(1)/21 of Mines and Minerals (Development and Regulation) Act, 1957.

3. As per prosecution case, six tractors which are said to have been loaded with illegally mined sand intercepted.



The drivers of the alleged vehicles managed to flee away from the place of occurrence, however, one driver, namely, Gangesh Kumar was apprehended on the spot. It is alleged that total 14,100 cubic feet of illegally mined sand was seized. It is further alleged that 100 – 150 persons came and started pelting bricks and stones on the informant and also started firing on the enquiry team. It is also alleged that the sand *mafia* attacked and damaged the Bolero vehicle of the QRT team.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases. Learned counsel orally submits that petitioner is on bail on the said cases. Learned counsel submits through Para 9 of the bail petition that petitioner is neither owner nor driver of any of the seized tractors in question. He further submits that co-accused Chandan Sah @ Chandan Kr. Sah and Sonu Kumar @ Sonu Kumar Sah @ Sonu Kumar Singh have been granted anticipatory bail vide Cr. Misc. No. 85560 of 2024 and co-accused Manish Kumar Singh @ Manish Kumar and Himanshu Kumar Singh @ Makhan Lal have already been granted anticipatory bail vide Cr. Misc. No. 86097 of 2024 by the Co-



Ordinate bench of this Court and, on the principle of parity, petitioner also deserves anticipatory bail.

5. The learned A.P.P. for the State as well as learned counsel appearing for the opposite party no. 2 opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused have already been granted anticipatory bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 535 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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